

August 2, 2017

**MINUTES OF MECKLENBURG COUNTY, NORTH CAROLINA  
BOARD OF COUNTY COMMISSIONERS**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, August 2, 2017.

**ATTENDANCE**

**Present:** Chair Ella B. Scarborough and Commissioners  
Dumont Clarke, Patricia "Pat" Cotham, George Dunlap,  
Trevor M. Fuller, Bill James, Jim Puckett, and  
Matthew Ridenhour  
County Manager Dena R. Diorio  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** Commissioner Vilma D. Leake

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**-INFORMAL SESSION-**

***Commissioner Puckett was absent when the meeting was called to order and until noted in the minutes.***

***The meeting was called to order by Chair Scarborough, after which the matters below were addressed.***

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) to be removed from Consent and voted upon separately: Items 17-4145, 17-4148, 17-4151, 17-4156, 17-4158, 17-4171, and 17-4172.

***Note: Commissioner Leake pulled the above items, however, since she was not present to address them, the items remained under Consent.***

August 2, 2017

**STAFF BRIEFINGS**

**17-4162      RIGHT-OF-WAY CONVEYANCE – EASTWAY RECREATION CENTER**

Jacqueline McNeil and Alicia Rocco with Asset and Facility Management addressed a right-of-way conveyance involving the future Eastway Recreation Center.

***Commissioner Puckett entered the meeting.***

***A copy of the presentation is on file with the Clerk to the Board.***

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to authorize the County Manager to execute all documents necessary to convey portions of Tax Parcels 097-131-11 and 097-131-12 (+/- 7.4 acres) to the City of Charlotte as public right-of-way associated with the rezoning and construction of the future recreation center at Eastway Community Park.

**CLOSED SESSION**

**17-4114      BUSINESS LOCATION AND EXPANSION**

**17-4157      CONSULT WITH ATTORNEY**

Prior to going into Closed Session, County Attorney Bethune announced there were no Consult with Attorney matters to be discussed in Closed Session.

Motion was made by Commissioner Fuller, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to go into Closed Session for the following purpose: Business Location and Expansion.

***The Board went into Closed Session at 5:33 p.m. and came back into Open Session at 5:47 p.m.***

**MANAGER'S REPORT**

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to appointment Assistant County Manager Leslie

**August 2, 2017**

Johnson as Acting County Manager for the purpose of signing documents during the absence of County Manager Diorio from August 10, 2017 through August 28, 2017.

*Note: County Manager Diorio will be traveling outside the country during this timeframe.*

***The Board then proceeded to the Meeting Chamber for the remainder of the meeting.***

**-FORMAL SESSION-**

*Chair Scarborough called this portion of the meeting to order which was followed by invocation by Commissioner Puckett, the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.*

**AWARDS/RECOGNITION**

It was the consensus of the Board to move the proclamations below up on the agenda.

**17-4145      PROCLAMATION – CHILD SUPPORT AWARENESS MONTH**

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to adopt a proclamation declaring August 2017 as Child Support Awareness Month in Mecklenburg County.

The proclamation was read by Commissioner Cotham and received by Child Support Enforcement Director Joan Kennedy.

August 2, 2017

## Mecklenburg County North Carolina Proclamation

**WHEREAS**, Mecklenburg County has operated a Child Support Enforcement Department since July 2010 when the staff and customers of the program were entrusted to the County by the State of North Carolina; and

**WHEREAS**, Former President Bill Clinton first proclaimed August as National Child Support Awareness Month in 1995 to demonstrate the importance of child support as a sustainable means of financial support and well-being for many of our nation's children; and

**WHEREAS**, children living in poverty are more vulnerable to environmental, educational, health, and safety risks, and are more likely to have cognitive, behavioral, and socio-emotional difficulties throughout their lifetime; and

**WHEREAS**, parents and/or caretakers, through a strong work ethic and personal responsibility, can provide a stable foundation for life to children who are dependent on them for their daily, financial, emotional and physical growth; and

**WHEREAS**, Mecklenburg County is committed to ensuring the safety, health and well-being of our children by supporting families through programs designed to help parents remain engaged in their children's lives; and

**WHEREAS**, Mecklenburg County promotes a thriving, productive, proactive and engaging community by taking a collaborative and holistic approach to help families benefit from both co-parenting and community support; and

**WHEREAS**, in Mecklenburg County there are approximately **71,450 children and custodial parents** who receive more than **\$50 million** in child support annually, through the efforts of this County's child support professionals, which provides food, housing, and clothing to these families; and

**WHEREAS**, collection of child support also contributes to the welfare of our local economy by avoiding Medicaid costs annually; and moving families into economic self-sufficiency by reducing dependence on other public assistance programs such as Temporary Assistance to Needy Families (TANF) and Food and Nutrition Services (FNS); and

**WHEREAS**, these local efforts are provided by 117 Mecklenburg County staff members who work diligently to uphold the County's customer service and accountability standards;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mecklenburg Board of County Commissioners hereby proclaim August 2017 as

**"CHILD SUPPORT AWARENESS MONTH"**

in Mecklenburg County

This the 2nd day of August 2017



*Ella B. Scarborough*  
Ella B. Scarborough, Chair  
Mecklenburg Board of  
County Commissioners

### 17-4156 PROCLAMATION – DESIGNATING WOMEN'S EQUALITY DAY

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to adopt a proclamation declaring August 26, 2017 as Women's Equality Day in Mecklenburg County.

The proclamation was read by Commissioner Fuller, in the absence of Commissioner Leake, and received by the Chair of the Women's Advisory Board Zhiviaga Williams and other members of the Women's Advisory Board that accompanied her at the podium.

August 2, 2017

*Note: Ms. Williams apologized to the Board for an email that went out regarding funds to support the 2017 Women's Equality Day event. Ms. Williams said the email was sent in error.*

## ***PROCLAMATION*** City of Charlotte/Mecklenburg County

**WHEREAS**, August 26, 2017, marks the 97<sup>th</sup> anniversary of women in the United States gaining the right to vote with the ratification of the 19<sup>th</sup> Amendment to the Constitution; and

**WHEREAS**, the call for women's right to vote was voiced at the first Women's Rights Convention in 1848 and the solidification of this right into law was the result of decades of work by committed suffragists who fought for this right; and

**WHEREAS**, even before they gained the right to vote, America's women were leaders of movements, academics, and reformers, and had even served in the Congress. Legions of brave women wrote and lectured for change. They let their feet speak when their voices alone were not enough, protesting and marching for their fundamental right to vote in the face of heckling, jail, and abuse. Their efforts led to enormous progress millions upon millions of women have since used the power of the ballot to help shape our country; and

**WHEREAS**, at a time when women were meant to be seen and not heard, the suffragists braved censure and disgrace by speaking out on behalf of all women and organized for their rights. Remarkable women arose in each state and became part of history themselves when they successfully secured civil rights and political independence for American women; and

**WHEREAS**, to these committed and determined women, voting was not the end of the journey for equality, but the beginning of a new era in the advancement of our Union. These brave and tenacious women challenged our nation to live up to its founding principles, and their legacy inspires us to reach ever higher in our pursuit of liberty and equality for all; and

**WHEREAS**, the Mecklenburg County Women's Advisory Board and the University of North Carolina at Charlotte in partnership have identified the theme for the 2017 Women's Equality Day Program and Event to be: Overcoming Shame: How to Deal with Body Image; and

**WHEREAS**, this year's event will be held at the main campus of the University of North Carolina Charlotte on Saturday morning, August 26, 2017 and the public are invited and encouraged to participate in this free celebration:

**NOW, THEREFORE, WE**, Jennifer W. Roberts, Mayor of Charlotte, and Ella B. Scarborough, Chair of the Mecklenburg Board of County Commissioners, do hereby proclaim, August 26, 2017 as

### **"WOMEN'S EQUALITY DAY"**

in Charlotte and Mecklenburg County and commend its observance to all citizens.

**WITNESS OUR HANDS** and the official Seals of the City of Charlotte and Mecklenburg County.

  
Jennifer W. Roberts, Mayor  
City of Charlotte



  
Ella B. Scarborough, Chair  
Mecklenburg Board of  
County Commissioners



August 2, 2017

**17-4171      JOINT PROCLAMATION – PGA CHAMPIONSHIP WEEK AUGUST 7-13, 2017**

Motion was made by Commissioner Fuller, seconded by Commissioner Cotham and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to adopt a Joint Proclamation declaring August 7 - 13, 2017 as PGA Championship Week in Mecklenburg County and the City of Charlotte.

The proclamation was read by Commissioner Ridenhour and received by Jason Mengel with the Professional Golfers' Association.

**PROCLAMATION**  
**City of Charlotte/Mecklenburg County**

**WHEREAS**, the Professional Golfers' Association (PGA) of America will celebrate its 99<sup>th</sup> men's PGA Championship at Quail Hollow Club; and

**WHEREAS**, the PGA Championship is one of the four major championships in professional golf, the final major championship of the year, and includes the top international golfers; and

**WHEREAS**, the Quail Hollow Club and the Charlotte-Mecklenburg community will host the PGA Championship for the first time; and

**WHEREAS**, this global sporting event will attract over 200,000 golf fans to Charlotte-Mecklenburg from around the world over the seven day tournament period and be broadcast in over 200 countries reaching nearly 500,000,000 homes; and

**WHEREAS**, Charlotte-Mecklenburg is proud to showcase our world-class customer service and southern hospitality; and

**WEHEREAS**, the PGA Championship provides a positive impact for Charlotte-Mecklenburg through economic benefits to hotels; restaurants; rental companies; services; temporary employment; and inclusive exposure to the game of golf and the golf industry for youth, military veterans, and diverse business organizations;

**NOW, THEREFORE, WE**, Jennifer Watson Roberts, Mayor of Charlotte, and Ella B. Scarborough, Chair of the Mecklenburg Board of County Commissioners, do hereby proclaim, August 7 – 13, 2017 as

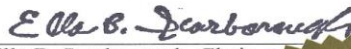
**“PGA CHAMPIONSHIP WEEK”**

in Charlotte and Mecklenburg County and commend its observance to all citizens.

**WITNESS OUR HANDS** and the official Seals of the City of Charlotte and Mecklenburg County.

  
Jennifer Watson Roberts, Mayor  
City of Charlotte



  
Ella B. Scarborough, Chair  
Mecklenburg Board of  
County Commissioners





August 2, 2017

**PUBLIC APPEARANCE**

**17-4154 PUBLIC APPEARANCE**

The following person appeared to speak during the Public Appearance portion of the agenda:

Blanche Penn addressed the upcoming Million Father March-Men Taking Kids to School on the First Day. She said this was an initiative that began in 2006, aimed at getting fathers more involved in their child's education. Fathers are encouraged to take their children to school on the first day of school, attend PTA meetings, and other school activities, have lunch with their child throughout the year, and to read to their children. Ms. Penn, a retiree of the County and the Park and Recreation Department, closed by noting her support of parks and greenways.

*Note: Anthony Abraham Jr., Anthony Abraham Sr., and Clayton Porter, signed up to speak but did not appear.*

**APPOINTMENTS**

**17-4159 APPOINTMENTS**

**HISTORIC LANDMARKS COMMISSION**

The vote was taken on the following nominees for appointments to the Historic Landmarks Commission:

Diane Althouse	Commissioners Clarke, Cotham, Fuller, Puckett, and Ridenhour
Jennifer Coots	None
Don Duffy	None
Thomas Egan	Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour, and Scarborough
	<i>Voting Ceased</i>

Victor Jones  
Thomas Kaufmann  
Brittany Lins  
Phillip Pope

Chair Scarborough announced the appointment of Diane Althouse and Thomas Egan to the Historic Landmarks Commission for two-year terms expiring July 31, 2020.

**August 2, 2017**

*Note: They replace Ken Pursley and John Shurley who served two full consecutive terms.*

### **INFORMATION SERVICES AND TECHNOLOGY COMMITTEE**

The vote was taken on the following nominees for appointment to the Information Services and Technology Committee:

Frank Benson	None
Vivek Dighe	Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour, and Scarborough

Chair Scarborough announced the appointment of Vivek Dighe to the Information Services and Technology Committee to fill an unexpired term expiring February 28, 2018.

*Note: He replaces Bryan West.*

### **PLANNING COMMISSION**

Commissioner Dunlap, on behalf of Commissioner Leake, who chaired the Board's Ad Hoc Appointment Committee for an appointment to the Planning Commission, gave the Committee's recommendation. The Committee was comprised of Commissioner Leake, Chair Scarborough, and Commissioner Dunlap. The committee voted unanimously to recommend the appointment of Keba Samuel.

The vote was then taken on the following nominees for appointment to the Planning Commission:

Darryl Broome	Commissioner James
Omar Carter	None
Zanthia Hastings	None
Arun Nair	None
Keba Samuel	Commissioners Clarke, Cotham, Dunlap, Fuller, Puckett, Ridenhour, and Scarborough

Chair Scarborough announced the appointment of Keba Samuel to the Planning Commission as recommended by the Board's Ad Hoc Committee for a three-year term expiring June 30, 2020.

*Note: She replaces Raymond Eschert.*



August 2, 2017

**WOMEN'S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women's Advisory Board:

Shantia Coley	None
Lahari Jones	Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour, and Scarborough
	<i>Voting Ceased</i>
Chakira Massey	
Patrina Tyler	

Chair Scarborough announced the appointment of Laharie Jones to the Women's Advisory Board to fill an unexpired term expiring November 30, 2019.

*Note: She replaces Anjali Dighe.*

**17-4161 REAPPOINTMENTS/NOMINATIONS/APPOINTMENTS**

**AIR QUALITY COMMISSION**

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to reappoint Marcus Hackler to the Air Quality Commission as the Industrial representative for a three-year term expiring August 31, 2020.

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to waive the Board's term limit policy and reappoint the following persons to the Air Quality Commission for three-year terms expiring August 31, 2020: Terry Lansdell as the Transportation representative and Peter McGrath as the Attorney representative.

*Note: Mr. Lansdell and Mr. McGrath were willing to serve again since there were no applicants on file to consider.*

August 2, 2017

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to reappoint Robert Bruton to the Nursing Home Community Advisory Committee for a three-year term expiring August 31, 2020.

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to reappoint Ismael Sanchez to the Waste Management Advisory Board for a three-year term expiring August 31, 2020.

**PUBLIC HEARINGS – NONE**

**ADVISORY COMMITTEE REPORTS – NONE**

**MANAGER’S REPORT**

**17-4131 MODRIA PRESENTATION (ON-ONLINE CUSTOMER MODULE) TAX OFFICE**

The Board received a presentation from Tax Assessor Ken Joyner on a new on-line customer module called Modria.

*Note: Modria is an online dispute resolution system that allows citizens to view their property record card, communicate with appraisers, appeal their property value, and watch the whole process unfold– all the way to the decision phase. Citizens may look up comparable sales in their area, upload documentation, and ask questions at any time. Modria has been referred to as a “fairness engine.” This platform will allow Mecklenburg county residents and the Assessor’s office to communicate efficiently and process appeals while providing full transparency.*

***A copy of the presentation is on file with the Clerk to the Board.***

Comments

**August 2, 2017**

Commissioner Puckett asked if Modria would work parallel with the County's GIS or would it replace it, particularly as it related to the Real Estate Look-up feature. *Director Joyner said they were two separate sites and both would be maintained for now.*

Commissioner Ridenhour asked about the system's configuration and security, which was addressed.

Commissioner Cotham expressed concern about public access to information regarding judges and victims of domestic violence. *Director Joyner said currently the only way individuals were removed from the system was at the direction of the Attorney General. He said discussion had taken place in the past regarding removing law enforcement personnel, judicial officials, and others, but to date, no legislation had been approved to allow that.*

Commissioner Clarke asked about recent sales, which was addressed.

Commissioner Clarke asked was it possible to sort by sale date. *Director Joyner said he would check to see if that was possible.*

Chair Scarborough encouraged residents, who may not have a computer at home, to visit a local library, where computers were available for public use, in order to take advantage of this resource. *Director Joyner said a terminal was also available at the Tax Office.*

#### **17-4144      NACO ACHIEVEMENT AWARDS**

County Manager Diorio and Public Information Director Danny Diehl presented and addressed the 2017 National Association of Counties' Achievement Award winners.

*Note: The National Association of Counties' Achievement Awards program recognizes innovative county government programs in more than 15 categories, including children and youth, criminal justice, county administration, information technology, health and many more.*

The winning programs were:

- Earned Media: "Putting the 'Storm' in Storm Water" 2015-2017
- Hybrid Collaborative Delivery Team (HCDT)
- retroFIT Floodproofing Program
- Ambulance Redesign
- MyTotalHealth: Enriching the Whole Employee
- Building With our Veterans \*Best in Category and 100 Brilliant Ideas at Work.

August 2, 2017

*A description of the winning programs is on file with the Clerk to the Board.*

**17-4152      FY 2018 – FY 2023 CAPITAL IMPROVEMENT PROGRAM FUNDING FOR  
CONSTRUCTION OF A NEW MAJOR LEAGUE SOCCER (MLS) STADIUM, PARKS &  
GREENWAY PROJECTS**

County Manager Diorio shared the following information from a recent City of Charlotte Economic Development Committee meeting:

- Marcus Smith and his team made a presentation to the committee regarding a Major-League Soccer (MLS) Franchise.
- They addressed the community benefits they were committed to providing as part of an MLS Franchise, such as:
  - Infrastructure Commitments
    - MLS for Charlotte is committed to doing infrastructure improvements to several County parks, including Tuckaseegee Park, Clanton Park, Camp Greene Park, Double Oaks Park, and Revolution Park to provide soccer multipurpose fields.
    - MLS for Charlotte is in discussion with the City of Charlotte about opportunities to use a portion of Eastland Mall as a possible training facility for the Franchise.
  - Soccer Related Commitments
    - MLS for Charlotte would underwrite the cost and serve as the sponsor of a soccer program for the homeless (Street Soccer).
    - MLS for Charlotte would develop and sponsor a special Olympics team with MLS coaching support.
    - MLS for Charlotte would underwrite the Urban Eagles participation in the Charlotte Eagles Youth Club Program.
    - MLS for Charlotte would create a soccer scholarship fund to provide need based assistance to youth to participate in soccer camps in the community.
    - MLS for Charlotte would partner with the Police Athletic League (PAL) to provide support for training, coaching, and game tickets for PAL soccer teams.
    - MLS for Charlotte would partner with the US Soccer Foundation's Soccer for Success Program, which was an After-School program.
    - MLS for Charlotte would partner with local organizations to provide training, internships, apprenticeships, or employment opportunities for area youth and job seekers.

August 2, 2017

**Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap that the Board:**

(1) approve including in its next CIP \$49 million or such greater amount as shall be necessary to fully fund completing all of the parks, greenways and other park & recreation projects approved by the voters in the 2008 bond referendum;

(2) defer a vote on including in its next CIP any funding relating to the proposal to rebuild Memorial Stadium until such time as the City Council of the City of Charlotte has approved at least \$30 million as its share of direct funding of the cost of rebuilding the stadium; and

(3) to authorize the County Manager to discuss with the City Manager the feasibility of a path that would potentially allow the City to control any new Memorial Stadium.

The following persons spoke in support of including more funding in the County's FY19-23 Capital Improvement Plan for parks and greenways: Beth Poovey (Partners for Parks), Elaine Powell (Chair of the Park and Recreation Commission), Megan Fencil (Sustain Charlotte), Diana Cook (American Heart Association), Michael Lindler (Cyclist), and Rickey Hall (West Blvd Neighborhood Coalition).

*Note: A petition was presented to the Board urging the Board to "immediately honor the will of Mecklenburg voters and [fully] fund the remaining 2008 bond projects that were not included in the Capital Improvement Program (CIP) for Fiscal Years 2019 – 2023." Secondly, "to commit to dedicating an additional \$6.6 million per year to the Park and Recreation budget to acquire the land needed to expand our parks and greenways."*

***A copy of the Petition is on file with the Clerk to the Board.***

Dave Dowell (on behalf of veterans) said local and national veteran leaders were watching the issue of what would become of Memorial Stadium very closely. He said a statement was forthcoming from veteran leaders regarding Memorial Stadium. He urged the Board to remember the commitment that was made to veterans years ago.

Leslie Dwyer spoke in opposition to funding being provided for an MLS Stadium. Ms. Dwyer said Charlotte was 50<sup>th</sup> out of similar cities when it came to Upward Mobility.

Jesse Newsome encouraged the Board to continue dialogue with the City of Charlotte and Mr. Smith regarding an MLS stadium.

August 2, 2017

Mr. Newsome said a memorial was needed for veterans and that it should somewhere that was accessible to the public and not “locked behind a gate.” He said it should be a focal point for “patriotic expression.”

**Substitute motion was made by Commissioner Puckett, seconded by Commissioner Cotham, to** authorize the deeding of the Memorial Stadium and Grady Cole property to the City of Charlotte, contingent upon their acceptance, for uses only related to Major League Soccer. Further, that the County's participation in any Major-League Soccer (MLS) Stadium in Mecklenburg County would be limited to the County's donation of the Memorial Stadium and Grady Cole property to the City of Charlotte for that purpose. Finally, to authorize and include in the FY2019-FY2023 Capital Improvement Plan, \$49 million for the completion of all remaining projects included in the Parks 2008 Bond.

#### Comments

Commissioner Puckett said he was supportive of fully funding all the 2008 bond projects. He said there were still a lot of unknowns as it related to the MLS proposal, such as the renovation cost.

Commissioner Puckett said the County was not in the pro sports business. He said the City of Charlotte was, so placing the stadium back into the hands of the City of Charlotte made sense.

Commissioner James said there was a lack of clarity with respect to the issue of MLS and the use of Memorial Stadium. He said the County should not be in the business of pro sports or for profit sports.

Commissioner James said he was supportive of funding all the 2008 Parks Bond projects in the FY19-23 Capital Improvement Plan (CIP).

Commissioner Dunlap said the issue was about getting Memorial Stadium up fitted and not about MLS. He said the County was responsible for parks and that Memorial Stadium and Grady Cole were park and recreation facilities.

Commissioner Ridenhour spoke in opposition of public dollars being used to pay for an MLS stadium or for any type of major league sport.

Commissioner Cotham said she would have preferred the County Manager remained more neutral with respect to the MLS issue.

**August 2, 2017**

Commissioner Cotham said the County's priorities were human services and parks and recreation and that building stadiums was more of a City function.

Commissioner Cotham said the Smith family was wealthy enough to build the stadium on their own.

Commissioner Fuller said it was about refurbishing Memorial Stadium in honor of the community's veterans. He said the MLS Stadium proposal would help achieve that goal, as well as, promote economic development in the area.

Commissioner Clarke acknowledged his awareness that the community's veterans were interested in what happens to Memorial Stadium and that he looked forward to receiving their input.

Commissioner Clarke said no action should be taken with respect to MLS and Memorial Stadium until Charlotte City Council votes.

Chair Scarborough spoke in support of MLS coming to Charlotte and the benefits of having major league sports in the community.

Commissioner Puckett said the better deal was the minor-league soccer proposal that was presented to the County.

Commissioner Puckett said this was a financial issue and that public dollars should not be used for this type of project.

**The vote was then taken on the Substitute motion as noted below.**

Substitute motion was made by Commissioner Puckett, seconded by Commissioner Cotham and carried 5-3 with Commissioners Cotham, James, Puckett, Ridenhour and Scarborough voting yes and Commissioners Clarke, Dunlap, and Fuller voting no, to authorize the deeding of the Memorial Stadium and Grady Cole property to the City of Charlotte, contingent upon their acceptance, for uses only related to Major League Soccer. Further, that the County's participation in any Major-League Soccer (MLS) Stadium in Mecklenburg County would be limited to the County's donation of the Memorial Stadium and Grady Cole property to the City of Charlotte for that purpose. Finally, to authorize and include in the FY2019-FY2023 Capital Improvement Plan, \$49 million for the completion of all remaining projects included in the Parks 2008 Bond.



August 2, 2017

Chair Scarborough asked for clarity with respect to the substitute motion and the original motion, after being questioned by fellow democrats about the result of the vote.

Commissioner Clarke readdressed his original motion and Commissioner Puckett his substitute motion.

**The vote, as noted below, was retaken on the substitute motion, at the Chair's request.**

Substitute motion was made by Commissioner Puckett, seconded by Commissioner Cotham and carried 5-3 with Commissioners Cotham, James, Puckett, Ridenhour and Scarborough voting yes and Commissioners Clarke, Dunlap, and Fuller voting no, to authorize the deeding of the Memorial Stadium and Grady Cole property to the City of Charlotte, contingent upon their acceptance, for uses only related to Major League Soccer. Further, that the County's participation in any Major-League Soccer (MLS) Stadium in Mecklenburg County would be limited to the County's donation of the Memorial Stadium and Grady Cole property to the City of Charlotte for that purpose. Finally, to authorize and include in the FY2019-FY2023 Capital Improvement Plan, \$49 million for the completion of all remaining projects included in the Parks 2008 Bond.

**17-4168            NOVEMBER 7, 2017 BOND REFERENDUM PROCESS (\$922,085,000 IN GENERAL OBLIGATION SCHOOL BONDS)**

**RESOLUTION MAKING REQUIRED FINDINGS**

Commissioner Jim Puckett introduced the following resolution and moved that it be adopted, Commissioner Dumont Clarke seconded that motion, and the resolution was read by the above title.

RESOLVED that the Board of Commissioners of the County of Mecklenburg hereby makes the following factual findings:

1.     Description of the projects: Bonds in the maximum principal amount of \$922,085,000 are proposed to be issued for school facilities.
2.     Facts regarding necessity of proposed projects: The proposed projects are necessary and expedient because present facilities are inadequate to meet the needs in the community.
3.     Facts supporting the amount of bonds proposed: The amount of bonds proposed is adequate and not excessive for the proposed purposes based on present estimates.

August 2, 2017

4. Past debt management policies: The County has in the past always appropriated funds in accordance with North Carolina law during each fiscal year in an amount sufficient to retire all principal and interest on indebtedness.

5. Past budgetary and fiscal management policies: The County has always adopted its budget in a timely manner in accordance with North Carolina statutory requirements and has obtained an unqualified opinion from a certified public accountant in connection with each annual audit.

6. Retirement of Debt: Any increase in the County's property tax rate resulting from issuance of the proposed bonds is not excessive.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia "Pat" Cotham, George Dunlap, Trevor M. Fuller, Bill James, Jim Puckett, Matthew Ridenhour, and Ella B. Scarborough

NAYS: None

\* \* \*

#### **RESOLUTION TO INTRODUCE BOND ORDER**

Commissioner Jim Puckett moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Trevor M. Fuller, and the resolution was read by the above title.

#### **BOND ORDER AUTHORIZING THE ISSUANCE OF \$922,085,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG**

**WHEREAS**, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

**WHEREAS**, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

**NOW, THEREFORE, BE IT ORDERED** by the Board as follows:

The Board determines that it is necessary to provide school facilities, including the acquisition and construction of new school facilities, the improvements and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the

**August 2, 2017**

acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$922,085,000.

Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia "Pat" Cotham, George Dunlap, Trevor M. Fuller, Bill James, Jim Puckett, Matthew Ridenhour, and Ella B. Scarborough

NAYS: None

\* \* \*

#### **RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDER**

Commissioner Jim Puckett moved the adoption of the following resolution, the motion was seconded by Commissioner Trevor M. Fuller and the resolution was read by the above title.

**WHEREAS**, the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$922,085,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG" has been introduced at the meeting of the Board of Commissioners of the County of Mecklenburg held on August 2, 2017, and the Board desires to provide for a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Finance Act;

**August 2, 2017**

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

The public hearing upon that bond order shall be held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, North Carolina, at a meeting that begins at 6:00 P.M., September 5, 2017.

The Clerk to the Board of Commissioners is hereby directed to cause a copy of the bond order to be published with the notice of public hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to the public hearing.

The Assistant County Manager and Finance Director is hereby directed to file with the Clerk to the Board of Commissioners prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

The County's Assistant County Manager and Finance Director is hereby further directed to file with the Clerk to the Board at this meeting an estimate of the total amount of interest that will be paid on the proposed bonds over the expected term of the bonds, if issued.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia "Pat" Cotham, George Dunlap, Trevor M. Fuller, Bill James, Jim Puckett, Matthew Ridenhour, and Ella B. Scarborough

NAYS: None

***Extracts/Resolution recorded in full in Ordinance/Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.***

#### **DEPARTMENTAL DIRECTORS' MONTHLY REPORTS**

##### **17-4146      FEATURE DEPARTMENT PRESENTATION: CHILD SUPPORT ENFORCEMENT**

The Board received a presentation from Child Support Enforcement Director, Joan Kennedy, regarding departmental activities.

*Note: The County Manager requested department directors develop department management monthly reports highlighting key activities and initiatives within the departments showing relevant performance indicators of departmental activity.*

***A copy of the presentation is on file with the Clerk to the Board.***

August 2, 2017

Board members complimented and thanked Director Kennedy for the work that they do.

**STAFF REPORTS & REQUESTS - NONE**

**COUNTY COMMISSIONERS REPORTS & REQUESTS**

**17-4144      NACO ACHIEVEMENT AWARDS**

Commissioner Dunlap gave a report on the 2017 NACo conference held July 21-24 in Columbus, Ohio. The following was noted:

- The County received several NACo Achievement Awards as highlighted earlier in the meeting under the Manager's Report.
- Cheryl Emanuel, with the Health Department, gave a presentation on Village Heartbeat and did "an outstanding job"
- "Village Heartbeat" is a finalist for a \$50,000 contribution to be awarded later in the year.
- There were various speakers, including USDA Secretary Sonny Perdue, Lou Dobbs, and Piper Kerman, the author of "Orange is the New Black."
- Commissioner Fuller gave a presentation on Early Childhood Education.
- County Manager Diorio was reappointed to the Large Urban Caucus Committee.
- Commissioner Dunlap will also serve on the Large Urban Caucus Committee.
- Commissioner Dunlap was appointed Vice-President of the Juvenile Justice Committee.
- Commissioner Dunlap was appointed by the new National Director to serve on the NACo National Board of Directors. He also served as an appointee of the previous National Director.

Commissioner Fuller congratulated Commissioner Dunlap on his reappointment to the National Board of Directors and appointment as Vice-chairman of the Juvenile Justice Committee. He also complimented Cheryl Emanuel on her presentation.

Commissioner Fuller said N.C. had the highest number of attendees at the conference.

August 2, 2017

**17-4165      FACILITY NAMING APPLICATION – HOSKINS PARK TO “EVA B. BARBER  
NEIGHBORHOOD PARK” (COMMISSIONER LEAKE)**

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to:

1. Acknowledge receipt of an application submitted by Commissioner Vilma D. Leake to name Hoskins Park, located at 3801 Gossett Avenue, Charlotte, NC 28208, the "Eva B. Barber Neighborhood Park"; and
2. Schedule a public hearing on September 5, 2017 at 6:30 p.m. to receive public comment on the proposed naming of Hoskins Park to "Eva B. Barber Neighborhood Park" and direct the Clerk to the Board to publish the notice of public hearing as required.

**17-4173      POLICY AMENDMENT – PROCLAMATIONS AND AWARDS**

Motion was made by Commissioner Puckett, but died for lack of a second, to approve an amendment to the Board policy on Proclamations and Awards to allow proclamations to be placed on the Regular meeting agenda under Awards/Recognitions rather than under Consent.

*Note: Current Board policy require Proclamations being considered by the Board, to be placed on the Board's Regular meeting agenda under Consent, unless at least two-thirds of the Board members present and voting at the meeting vote during the Informal Session to place a proclamation under the Awards/Recognitions section of the agenda.*

Commissioners Dunlap and James gave the history of why the current policy was put in place.

**CONSENT ITEMS**

**Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, to approve the following item(s):**

August 2, 2017

**17-4147      GRANT APPLICATIONS – DEPARTMENT OF HOMELAND SECURITY AND  
NATIONAL FISH AND WILDFIRE FOUNDATION (STORM WATER SERVICES)**

1. Authorize the County Manager to submit a grant application to the Department of Homeland Security (DHS) for enhancements to the Flood Information and Notification System (FINS) and the Flood Risk Assessment and Risk Reduction (RARR) Planning tool up to an amount of \$900,000,
2. Authorize the County Manager to submit a grant application to the National Fish and Wildlife Foundation (NFWF) towards the Stevens Creek stream restoration project up to an amount of \$150,000,
3. Authorize the County Manager to negotiate and enter into grant contracts with DHS and NFWF; and
4. Upon receipt of grant(s), recognize, receive and appropriate up to \$900,000 in funds from the DHS and \$150,000 in funds from NFWF.

**17-4148      GRANT APPLICATION – PREVENTION OF DOMESTIC VIOLENCE AMONG YOUTH  
(CSS)**

Approve submission of a renewal grant application, not to exceed \$76,360, to the North Carolina Council for Women and Youth Involvement for prevention of domestic violence and teen dating violence; and if awarded, recognize, receive and appropriate the grant funds for the grant period.

**17-4149      TAX COLLECTOR'S ANNUAL SETTLEMENT FOR FISCAL YEAR 2017**

Receive and accept the Tax Collector's Settlement for Fiscal Year 2017.

*Note: The Tax Collector's Settlement is submitted to the Board of County Commissioners in accordance with North Carolina General Statute 105-373(3). The Settlement is to be entered into the records of the Board of County Commissioners as directed by statute.*



August 2, 2017



**MECKLENBURG COUNTY**  
Office of the Tax Collector

**To:** Board of County Commissioners  
Dena Diorio, County Manager

**From:** Neal L. Dixon, Director/Tax Collector

**Date:** July 14, 2017

**Subject:** Tax Collector's Settlement for Fiscal Year 2017

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector's report of settlement to the Mecklenburg County Board of Commissioners for Fiscal Year 2017 (tax year 2016).

The total FY 2017 Real Estate, Personal Property, and Registered Motor Vehicle Tax charged to the Tax Collector for collection was \$960,223,776.21.

<u>Net Levy</u>	<u>Collected</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
\$960,223,776.21	\$954,773,800.68	\$6,926,570.76	99.43%

At the end of FY 2017 there were 48 tax bills totaling \$788,445.83 under formal appeal with the Board of Equalization and Review or the Property Tax Commission; consequently, the Tax Collector was barred from pursuing collection for these tax bills. In addition, the Tax Collector was barred by the U.S. Bankruptcy Court from collecting 266 real estate, personal property, and registered motor vehicle tax bills totaling \$168,041.21. Since the above totals were barred from collection, it is important to note that when these totals are removed from the net levy calculation, the collection percentage increases to 99.53%.

Reference is hereby made to reports in the Office of the Tax Collector that list the persons owning real property and personal property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person. These reports are available for inspection and review upon request. The Tax Collector has made diligent efforts to collect the taxes due from the persons listed by utilizing the remedies available to him for collection.

**PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS**  
700 East Stonewall Street (28202) • P.O. Box 31457 • Charlotte, North Carolina 28231 • 980-314-4488

August 2, 2017

Tax Collector's Settlement for Fiscal Year 2017  
Page 2

Prior Year Collections

During FY 2017, the Tax Collector pursued collection of delinquent prior year taxes.

Real Estate and Personal Property Tax:

<u>Tax Year</u>	<u>Net Levy</u>	<u>Collected in FY 2017</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
2007	\$744,363,685.58	\$ 246,553.98	\$1,474,476.92	99.80%
2008	\$779,106,351.07	\$ 231,745.49	\$1,486,164.21	99.81%
2009	\$800,134,129.61	\$ 255,607.13	\$1,732,925.96	99.78%
2010	\$813,487,055.79	\$ 345,011.11	\$4,437,464.61	99.45%
2011	\$865,709,631.91	\$ 484,046.19	\$1,878,774.54	99.78%
2012	\$850,963,105.22	\$ 626,886.22	\$1,905,900.40	99.78%
2013	\$895,332,891.21	\$ 748,541.59	\$2,183,931.12	99.76%
2014	\$901,205,418.70	\$1,000,982.80	\$2,291,828.68	99.75%
2015	\$950,268,762.83	\$2,799,195.98	\$2,842,302.92	99.70%

Registered Motor Vehicle Tax:

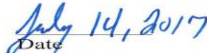
<u>Tax Year</u>	<u>Net Levy</u>	<u>Collected in FY 2017</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
2013	\$36,892,192.93	\$97,903.29	\$984,055.61	97.33%
2014	\$ 363,881.01	\$ 1,880.42	\$ 26,455.62	92.73%
2015	\$ 1,011.15	\$ 0.00	\$ 638.07	36.90%

Please contact me at [Neal.Dixon@MecklenburgCountyNC.gov](mailto:Neal.Dixon@MecklenburgCountyNC.gov) or 980-314-4488 if you have any questions or comments regarding this settlement report.

North Carolina General Statute 105-373(3) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body.

cc: Julissa Fernández, Deputy Tax Director  
Kimberly Deal, Deputy Tax Director

  
Tax Collector

  
Date

Sworn to and subscribed before me this 14 day of July, 2017

  
Notary Public

My commission expires: May 18, 2021  
Date

Tiffany D. Gibson-McNair  
NOTARY PUBLIC  
Mecklenburg County  
North Carolina  
My Commission Expires 5-18-21

**Settlement recorded in full in Ordinance/Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.**

**17-4150 ORDER OF COLLECTION – 2017 AD VALOREM TAXES**

Authorize the Tax Collector to collect 2017 ad valorem taxes.

*Note: North Carolina General Statute (NCGS) 105-321(b) states: "Before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, but the failure to do so, shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayers' real and personal property."*

August 2, 2017

**ORDER OF COLLECTION**

**NORTH CAROLINA, MECKLENBURG  
TO THE TAX COLLECTOR OF MECKLENBURG COUNTY  
GENERAL STATUTE 105-321(b)**

*You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the Office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Mecklenburg and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.*

**Order recorded in full in Ordinance/Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.**

**17-4151      CONSTRUCTION MANAGER AT RISK SELECTION – EASTWAY REGIONAL  
RECREATION CENTER**

Authorize the County Manager to negotiate a fee and execute contracts with Edifice Construction for Pre-Construction and Construction Management at Risk services for the Eastway Regional Recreation Center, and in the event negotiations with this firm are unsuccessful, approve negotiations with the second ranked firm of Balfour Beatty/MARAND.

**17-4153      RAY’S SPLASH PLANET-HEATING, VENTILATING, AIR CONDITIONING (HVAC)  
REPLACEMENT PROJECT**

Award a contract to Superior Mechanical Systems, Inc. in the amount of \$1,673,400 for the Ray’s Splash Planet-HVAC Replacement Project.

**17-4155      MINUTES**

Approve Minutes of Regular meeting held July 11, 2017 and Closed Session held July 11, 2017.

August 2, 2017

**17-4158 GRANT APPLICATION – SENIOR HEALTH INSURANCE INFORMATION PROGRAM (SHIIP)**

Approve a grant application of up to \$8,000 for a Senior Health Insurance Information Program Grant (SHIIP) and if awarded, recognize, receive and appropriate such funds

*Note: The grant awards will be distributed in FY2018 and will be used to continue existing Medicare Education and Counseling Services offered in all three MCPR Senior Centers, Levine Senior Center, some MCPR recreation centers, churches and senior living locations.*

**17-4160 INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate insurance reimbursement funds of \$857 for Asset and Facility Management, \$19,312 for Sheriff's Office and \$17,595 for Park and Recreation.

*Note: The County received insurance proceeds based on claims for stolen and damaged items in the departments identified. This Board action provides authority to use the funds for replacement of these items.*

**17-4163 CONSTRUCTION CONTRACT – TORRENCE CREEK STREAM RESTORATION**

1. Adopt Resolution authorizing an amended Interlocal Agreement for the funding of Torrence Creek Stream Restoration,
2. Recognize, receive and appropriate an additional \$74,335.34 from the Town of Huntersville for its share of this joint project; and
3. Authorize the County Manger to execute a construction contract with Baker Grading, Inc. in the amount of \$1,938,534.40.

**RESOLUTION AUTHORIZING EXECUTION OF THE  
AMENDED INTERLOCAL AGREEMENT BETWEEN MECKLENBURG COUNTY AND THE  
TOWN OF HUNTERSVILLE FOR FUNDING OF THE TORRENCE CREEK STREAM  
RESTORATION PROJECT**

WHEREAS, on May 17, 1993 the Mecklenburg County Board of Commissioners adopted the “Mecklenburg County – Storm Water Management Plan” which sets forth guiding principles and a financial plan for the operation of the comprehensive storm water management program in Mecklenburg County, the Plan requires use of a rate structure based on impervious area and a base rate charge for fixed and administrative costs sufficient to cover such costs; and

**August 2, 2017**

WHEREAS, N.C. Gen. Stat. § 160A-461, “Interlocal Cooperation Authorized,” authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as the operation of a storm water management program by one unit of local government on behalf of another unit of local government; and

WHEREAS, on August 4, 2015, Mecklenburg County and the Town of Huntersville (the “Town”) entered into an Interlocal Agreement for Funding of the Torrence Creek Stream Restoration Project; and

WHEREAS, the Town and the County now wish to amend this Interlocal Agreement; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement “...shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Amended Interlocal Agreement for Funding of the Torrence Creek Stream Restoration Project between the County of Mecklenburg and the Town of Huntersville in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

***Resolution recorded in full in Ordinance/Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.***

**17-4164      TAX REFUNDS**

1) Approve refunds in the amount of \$11,751.17 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor

*Note: This Board action is necessary to approve registered motor vehicle tax refunds resulting from clerical errors, value changes and appeals processed in the new statewide vehicle tax system.*

2) Approve refunds in the amount of \$34,886.27 and interest as statutorily required to be paid as requested by the County Assessor

*Note: This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. Accrued interest is estimated to be \$44.85.*

***A list of the taxpayer recipients is on file with the Clerk to the Board.***

**17-4172      PRIVATE TRANSPORTATION OF INVOLUNTARILY COMMITTED RESIDENTS**

Approve amended resolution authorizing Presbyterian Hospital, dba Novant Health Presbyterian Medical Center, dba Novant Health Huntersville Medical Center, dba Novant

**August 2, 2017**

Health and Presbyterian Medical Care Corp., dba Novant Health Matthews Medical Center (hereafter The Presbyterian Hospital/Novant System) to contract with a private vendor to provide transportation between The Presbyterian Hospital / Novant System for individuals who have been involuntarily committed for inpatient treatment.

**AMENDED RESOLUTION OF THE MECKLENBURG COUNTY BOARD OF  
COMMISSIONERS ADOPTING A PLAN SUPPORTING PRIVATE PROVIDER  
INVOLUNTARY COMMITMENT TRANSPORT SERVICES**

WHEREAS, pursuant to N.C.G.S. §122C-251(a), cities and counties have the duty to provide, through its law enforcement officers, transportation under the involuntary commitment proceedings of Article 5 of Chapter 122C of the North Carolina General Statutes; and

WHEREAS, N.C.G.S. §122C-251(g) provides that the governing body of a city or county may adopt a plan for the transportation of respondents in involuntary commitment proceedings and that private agency personnel may be designated to provide all or parts of the transportation required by said proceedings; and

WHEREAS, the Mecklenburg County Sheriff's Office, CMPD, local law enforcement officers, and other affected agencies participated jointly in execution of a plan for transportation of respondents in involuntary commitment proceedings; and

WHEREAS, The Presbyterian Hospital d/b/a Novant Health Presbyterian Medical Center and d/b/a Novant Health Huntersville Medical Center, and Presbyterian Medical Care Corp. d/b/a Novant Health Matthews Medical Center (hereafter The Presbyterian Hospital / Novant System) previously signed a contract with a private agency, G4S Secure Solutions (USA) Inc. (private provider) to provide all or parts of the involuntary commitment transportation services between The Presbyterian Hospital / Novant facilities solely within Mecklenburg County, and

WHEREAS, on March 18, 2014, the Mecklenburg Board of Commissioners approved a Resolution authorizing a transportation plan between a private provider and Carolinas HealthCare System; and

WHEREAS, The Presbyterian Hospital / Novant System also receives mental health patients who are respondents in commitment proceedings pursuant to Article 5 of Chapter 122C of the North Carolina General Statutes who require transportation services outside of Mecklenburg County from time to time, and

WHEREAS, there is now a need to expand the transportation service area to include The Presbyterian Hospital/Novant System mental health facilities not only within Mecklenburg County but also in surrounding counties within the state of North Carolina; and

WHEREAS, pursuant to N.C.G.S. §122C-251(g) law enforcement and other affected agencies receive adequate training in the transportation and restraint of mental health patients and are capable of providing transportation in a manner that ensures the safety and protection of both the public and the respondents; and

WHEREAS, N.C.G.S. §122C-251(g) further provides that persons designated in the plan to provide transportation shall be trained and the plan shall assure adequate safety and protection for both the public and the respondent; and

WHEREAS, all interested parties have again met and discussed this need and agree that an amendment to the Resolution is necessary to meet the needs of the community, and

**August 2, 2017**

WHEREAS, The Presbyterian Hospital / Novant System and the private provider contracted to provide transportation of involuntary commitment respondents and further warrant and represent that the agreement shall be consistent with the requirements of N.C.G.S. §122C- 251(g) and further the Provider will receive Crisis Intervention Training, as well as any other required training, will supply vehicles for the transportation of respondents, and will provide automobile liability insurance in the amount of not less than \$2 million dollars combined single limit – bodily injury and property damage covering all owned, non-owned and hired automobiles; commercial general liability coverage in the amount of not less than \$1 million per occurrence/\$2 million in the aggregate per annum and excess/umbrella coverage in the amount of \$2 million per occurrence/\$2 million in the aggregate); and any other applicable coverage required; that Provider will comply with applicable laws in the transportation of residents; and that Provider and The Presbyterian Hospital / Novant System agree to indemnify and hold harmless Mecklenburg County and the Mecklenburg County Sheriff's office, each entity's respective employees and agents from and against any and all cost, expense, damages, liabilities (including bodily injury or death) and legal costs and expense (including attorneys' fees and court cost) arising out of, or attributable to, Provider's provision of transport services for The Presbyterian Hospital / Novant System, which indemnification shall survive termination of the agreement between The Presbyterian Hospital / Novant System and Provider and will be binding upon either party's successors or assigns, and shall be provided with no cost to Mecklenburg County or the Mecklenburg County Sheriff's office.

NOW, THEREFORE IT IS RESOLVED, that as permitted by NCGS §122C-251(g), the plan for transportation of involuntary commitment respondents is hereby adopted for The Presbyterian Hospital / Novant System to expand the services of the private provider for the transportation between The Presbyterian Hospital / Novant System facilities, within Mecklenburg County and also for transport outside of Mecklenburg County, in involuntary commitment proceedings, and comply with the requirements of the procedures of Article 5 of Chapter 122C. Neither the adoption of the plan nor the designation of a private provider is, or shall be construed as, creating an agency or other relationship between the County, the Mecklenburg County Sheriff's Office, The Presbyterian Hospital / Novant System or the Provider. This Amended Resolution is intended to serve only as the designation required by NCGS §122C-251(g).

***Resolution recorded in full in Ordinance/Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.***

**17-4174      FOREST LAND PROTECTION AGREEMENT**

Approve "Agreement for the Protection, Development and Improvement of Forest Land in Mecklenburg County, North Carolina."

*Note: This is a renewal of a one-year agreement funding the maintenance of the Mecklenburg County office of the North Carolina Forest Service with duties and responsibilities as specified in the agreement.*

***Agreement recorded in full in Ordinance/Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.***

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**



**August 2, 2017**

**ADJOURNMENT**

Motion was made by Commissioner Fuller, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Puckett, Ridenhour and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:35 p.m.

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Janice S. Paige, Clerk

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Ella B. Scarborough, Chair